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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,882	03/06/2002	Tara Chand Singhal	11195.41	6932
7590 Tara Chand Singhal P.O. Box 5075 Torrance, CA 90510			EXAMINER MAGUIRE, LINDSAY M	
			ART UNIT	PAPER NUMBER
			3692	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/091,882	Applicant(s) SINGHAL, TARA CHAND	
	Examiner Lindsay M. Maguire	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER; FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to because Figure 2 is missing it's 'Prior Art' Label. Additionally Figure 2 should be included as Non-Patent Literature, including all applicable references to where/when it was printed. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 2-9 are objected to because of the following informalities: it is improper for dependent claims to have a preamble that is different from the preamble of the independent claim from which they depend. For example, the dependent claims should begin with --The apparatus according to claim 1--, or something similar. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: the phrase "the notification to merchant computer" is considered grammatically incorrect as the word --the-- is missing between the words "to" and "merchant". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6 and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,473,379 (Showghi et al. '739).

Regarding claims 1-6, 8, and 9, Showghi et al. '739 disclose a central system (16, 18); a web-enabled wireless device (10, 22, 24, 26; Figure 2); and a bill carrying a service code (column 5, lines 17-22) being presented to the customer, wherein the customer using the wireless device connects to the central system (or secure server), inputs the service code, bill amount, and a personal number to effect payment of the bill to the merchant (column 5, lines 17-22 & column 7, lines 43-55). Showghi et al. '739 further disclose that the service code identifies a merchant number (i.e. venue code), a table number (i.e. seat number), and a server number (i.e. the delivery person); the personal number is a combination of telephone number (if a person is using their own wireless device, i.e. 22, 24, 26, then their phone number is inherently contained within their personal number) and a personal identification number (column 5, lines 32-38, disclose the use of debit cards, which require the use of a personal identification number); and wherein the merchant and the customer have stored data in the central system (column 4, lines 20-24); a central program using the personal number retrieves customer card data, using merchant number retrieves merchant data (column 7, lines 43-47); and prepares a payment record for submission to a card processor (column 7,

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lines 52-55). Furthermore, Showghi et al. '739 disclose that the central system program submits the payment record to the card processor and receives approval data (column 7, lines 52-55); wherein the central system program forwards a notification to a merchant computer (column 5, lines 29-32) and a notification to the customer on the wireless device (column 7, lines 52-55; i.e. an acknowledgement of receipt of goods, acknowledges that the payment is going through); the notification to the merchant computer system is by pushing data to the merchant computer system on a global network (see Figure 2; column 2, lines 49-50); the merchant computer displays on a display terminal the table number (seat number), the server number (delivery person), the payment amount, and the payment status (column 4, lines 20-24; column 7, lines 43-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Showghi et al. '739 as applied to claims 1-6 and 8-14 above, alone.

Showghi et al. '739 disclose the invention substantially as claimed with the exception of requiring the notification to the merchant computer system of the approval

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data includes the tip amount. Showghi et al. '739 does disclose that the approval data would include the table number (seat number) and the server number (i.e. the deliverer). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an option to tip the delivery person who is delivering the ordered items to the patrons seat, since it is well known in the art to tip a person who is providing a service, and to provide an easy way for the patron to tip the deliverer without needing to carry cash. Additionally it is well known in the art to allow a patron to raise the amount of the total of their bill for the purposes of tipping or receiving cash back.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lindsay M. Maguire
2/8/07



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER